

REMARKS/ARGUMENTS

The final Office Action dated November 17, 2004 has been received and its contents carefully considered. Claims 1-5, 7-12, 14-16 19 and 20 are pending. Claims 1-5, 7-12, 14-16, 19 and 20 have been rejected.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 1-5, 7-12, 14-16 and 19-20 were rejected under 35 U.S.C. §102(b) as being anticipated by *Gill*. It is respectfully submitted that *Gill* does not teach, *inter alia*, an extensible handle comprising “the first elongated member further comprising at least one receptacle for receiving a restricting device through a side surface of the first elongated member... a hollow second elongated member... wherein, in order to prohibit movement in an axial direction, the first end is retained along a surface of the outer end face in abutting contact with the restriction device” as recited in claim 1 and similarly in claims 9 and 16.

Gill discloses a lifting jack for automobiles having an extension arm with a fastener which may be used to connect other longitudinally elongated tubular sections. The Examiner regards the extension arm sections 20 (as shown in FIG. 6) as corresponding to the first elongated member and second elongated member as recited in claim 1 and similarly in claims 9 and 16. A dimple 25 is shown on one end of an extension arm 20 as shown in FIGS. 6-8. The Examiner also considers the fastening clip 30 including a depressible lug 32 which is utilized to retain extension arms 20 as corresponding to the restricting device as recited in claim 1 and

similarly in claims 9 and 16. The lug 32 is capable of being inserted into holes 26 and 24 of the extension arms 20 to be retained therein.

However, the design of the extension arms of *Gill* in combination with the lug 32 as a restricting device teaches away from the present invention as claimed. A preferred embodiment of the invention recited in claims 1, 9 and 16, includes, *inter alia*, a first elongated member 12 and a second elongated member 16 wherein the second elongated member 16 is positioned to receive the first elongated member 12. The second elongated member 16 further includes a restricting means, wherein, in order to prohibit movement in an axial direction, the first end (of the second elongated member 16) is retained along a surface of the outer end face 21 in abutting contact with the restricting device. The structural features of *Gill*'s extension arm design do not prohibit a movement in an axial direction as recited by the present invention in at least claims 1, 9 and 16.

As described in column 4, line 62 through column 5, line 26 of *Gill*, "The lug 32 projects through hole 26 so that the vertical side 33 of lug 32 abut against its edges. The flexible legs 31 fit inside the smaller squared end 23 and resiliently press the lug 32 of the fastening clip 30 upwards to project out of hole 26 by an amount slightly greater than the wall thickness of section 20... The linkage of two juxtaposed sections 20 is illustrated in FIGS. 7 and 8. As first illustrated in FIGS. 7, as the smaller end 23 is pushed into the larger end 22 of sections 20 the dimple 25 rides against the bevelled edge 34 of fastening clip 30 exerting a downward force on the flexible 31 legs 31 which spread to permit the lug 32 to slide vertically downward in hole 26. When the dimple 25 completely depresses the lug 32 into the hole 26, the larger end 22 slides over the fastening clip until hole 24 is pushed over the lug 32 of the fastening clip 30. Then as shown in FIG. 8, the flexible legs 31 pushed the lug 32 of fastening clip 30 upwards into hole 24 where the vertical sides 33 abut against the edges of hole 24 to stop any further sliding motion in any direction. In this position, the fastening clip positively locks the sections together so that they may be pushed or pulled without separation of the sections 20."

Thus, the aforementioned description of *Gill* does not support prohibiting movement in an axial direction by retaining the first end of the second elongated member along a surface of the outer end face in abutting contact with the restricting device as recited in claims 1, 9 and 16. In order to do so, the lug 32 would be prohibited from, at least, moving beyond the dimple 25 in order to prohibit movement in an axial direction. However, *Gill* discloses that the dimple 25 is specifically designed to move in an axial direction beyond the fastening clip 30 which includes the lug 32 in contrast to the present invention -- thus it is not prohibited or retained as recited in claims 1, 9 and 16.

For anticipation under 35 U.S.C. §102 the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by the M.P.E.P, *Gill* cannot be said to anticipate the invention as recited in claims 1, 9 and 16 of the present invention. Hence, withdrawal of the rejection is respectfully requested. It is further noted that *Gill* does not teach a first elongated member further comprising at least two receptacles for receiving a restricting device as recited in claims 8 and 15.

Claims 2-5, 7 and 8 depend ultimately from independent claim 1 and are patentable over the cited prior art for at least the same reasons as is claim 1.

Claims 10-12 and 14-15 depend ultimately from independent claim 9 and are patentable over the cited prior art for at least the same reasons as is claim 9.

Claims 19-20 depend from independent claim 16 and are patentable over the cited prior art for at least the same reasons as is claim 16.

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Patent

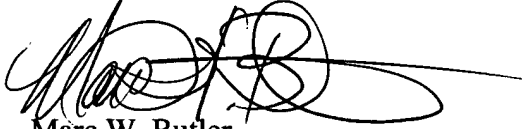
CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

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